IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY THIRD DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE MR JUSTICE N.V. RAMANA**
**WRIT PETITION NO : 10340 of 2004**

Between:
Vempati Anthaiah S/o. Late Veeraiah
Yedulapuram, Khammam ( Rural) Mandal, Khammam Distriact.
**..... PETITIONER**

AND

1 The Governament of A.P., Panchayat Raj Dept., rep., by its Secretary, Secretarit, Hyd.
2. The District Collector, Khammam, Khammam District.
3. The Superintending Engineer, Rural Water Scheme, Panchayat Raj Dept.,
Opp. District Court, Vyra Road, Khammam Distriact, at Khammam.
4. The Executive Engineer, Rural Water Scheme, Panchayat Raj Dept.,
Zilla Parishad Complex, Khammam, Khammam District.
**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particualrly one in the nature of writ of mandamus by declaring the action of the respondentsin laying bore well in the land of the petitioenr admeasuring Ac. 2.20 Guntas in Survey NO. 346/AA in Yedulapuram village. Khammam (Rural) Mandal, Khammam District as illegal, arbitrary and violativie of Articles 14 and 21 of the constitution of India subsequently direct the respondents to remove the bore well from the land of the petitioner and.

**For the Petitioner:MR.V.AJAYAKUMAR -Advocate**

**For the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.**

**The Court at the stage of admission made the Following :**

The present writ petition is filed questioning the action of the respondents in laying a bore well in the land of the petitioner

admeasuring Ac.2-20 guntas in Survey No. 346/AA, Yedulapuram village, Khammam.

The petitioner claims to be owner of the subject land and allege that without his knowledge and consent respondents 3 and 4 dug a bore well in his land and that he has made a complaint to the police and no action was taken thereon. It is also stated that the petitioner has made a representation to the second respondent/District Collector on 14-6-2004, since no action is taken thereon, the present writ petition is filed.

Heard learned counsel for petitioner and learned Government Pleader for Panchayat Raj.

It is settled law that until and unless a particular land is acquired for any public purpose, the respondents are not entitled to dig a bore-well or initiate any such activity. As per the averments made in the affidavit, the action of the respondents seems to be high handed in nature.

In the circumstances of the case, the second respondent is directed to examine the complaint made by petitioner on 14-6-2004 and pass a speaking order as expeditiously as possible. Till such time, the respondents 3 and 4 are directed not to interfere with the possession of the petitioner. However, if the land of the petitioner is already acquired in accordance with law, this order does not preclude respondents from making use of subject land.

Subject to above, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

23-6-2004

TVK/DA

To

1 The Governament of A.P., Panchayat Raj Dept., rep., by its Secretary, Secretarit, Hyd.

2 The District Collector, Khammam, Khammam District

3 The Superintending Engineer, Rural Water Scheme, Panchayat Raj Dept.,
Opp. District Court, Vyra Road, Khammam Distriact, at Khammam.

4 The Executive Engineer, Rural Water Scheme, Panchayat Raj Dept.,
Zilla Parishad Complex, Khammam, Khammam District.

5.. Govt Pleader for P.R and Rural Development, High Court of A.P.,Hyd

6... 2CCs to

7.. .2CD copies

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